

An Act

ENROLLED HOUSE
BILL NO. 1135

By: Fetgatter of the House

and

Taylor and Stephens of the
Senate

An Act relating to trespassing; amending 21 O.S. 2011, Section 1835, which relates to the penalty for trespassing after being forbidden; modifying statutory language; providing certain exceptions; providing for allowances; providing for criminal offense; providing for penalty; deleting certain definition; and providing an effective date.

SUBJECT: Trespassing

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY 21 O.S. 2011, Section 1835, is amended to read as follows:

Section 1835. A. Whoever shall willfully or maliciously enter the garden, yard, pasture or field of another after being expressly forbidden to do so or without permission by the owner or lawful occupant thereof ~~when such property is posted~~ shall be deemed guilty of trespass and upon conviction thereof shall be ~~fin~~ed in any sum ~~punished by a fine of not to exceed~~ more than Two Hundred Fifty Dollars (\$250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters any such garden, yard, pasture or field, and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be ~~fin~~ed in any sum not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by

confinement in the county jail for not less than thirty (30) days nor more than six (6) months, or both such fine and imprisonment.

~~For purposes of this section, "posted" means exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which are displayed. Property that is fenced or not fenced must have such signs placed conspicuously and at all places where entry to the property is normally expected.~~

1. This provision shall not apply to:

- a. peace officers as defined in Section 99 of this title,
- b. federal, state or local government employees engaged in the performance of their duties,
- c. firefighters, emergency medical personnel or public utility employees engaged in addressing an emergency that presents an imminent danger to health, safety or the environment in the performance of their duties, or
- d. parties engaged in oil and gas operations, which shall include, without limitation, exploration, drilling, production and sales activities, under authority of mineral ownership, an oil and gas lease, seismic agreement or permit, gas gathering, purchase, transportation or treating contracts, Corporation Commission or other lawful authority from persons entitled to give the same;

2. The provisions of this section shall not prohibit:

- a. railroad employees and emergency equipment from entering such land to restore rail service following an accident, derailment or natural disaster,
- b. the entrance of utility employees or contractors while acting in the scope of their employment, or
- c. employees or contractors of valid easement or license holders while acting in the scope of their employment;

3. The following persons may enter such land of another unless forbidden to do so, either orally or in writing, by the owner or lawful occupier thereof:

- a. registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services,
- b. persons making a delivery, selling a product or service, conducting a survey or poll, working on behalf of a candidate for political office, or
- c. persons who have a legitimate reason for entering and who, immediately upon entering, seek to conduct business.

B. Anyone who willfully or maliciously enters any such land of another and commits or attempts to commit waste, theft or damage shall be deemed guilty of a misdemeanor and upon conviction shall be punished by imprisonment in the county jail for a term of not less than thirty (30) days nor more than six (6) months, by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by both such fine and imprisonment.

~~B.~~ C. No provisions of this act section shall be construed to conflict with Section 5-202 or 6-304 of Title 29 of the Oklahoma Statutes.

~~C.~~ D. Whoever shall willfully enter the pecan grove of another without the prior consent of the owner or occupant thereof to so do shall be deemed guilty of trespass and upon conviction thereof shall be fined in any sum punished by a fine of not to exceed more than Twenty-five Dollars (\$25.00); provided, that anyone who willfully enters any such pecan grove and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum punished by a fine of not more than Five Hundred Dollars (\$500.00), or by confinement imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.

~~D.~~ E. Whoever shall willfully or maliciously enter upon property owned or managed by the Grand River Dam Authority without permission when such property is posted shall be deemed guilty of misdemeanor trespass and upon conviction thereof shall be fined in

~~any sum punished by a fine of not to exceed more than Two Hundred Fifty Dollars (\$250.00); provided, that this provision shall not apply to registered land surveyors and registered professional engineers for the purpose of land surveying in the performance of their professional services; and, provided further, that anyone who willfully or maliciously enters upon property owned or managed by the Grand River Dam Authority without permission and therein commits or attempts to commit waste, theft, or damage shall be deemed guilty of misdemeanor trespass, and upon conviction thereof shall be fined in any sum punished by a fine of not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00), or by confinement imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment. For purposes of this section, "posted" means exhibiting signs to read as follows: "PROPERTY RESTRICTED"; "POSTED - KEEP OUT"; "KEEP OUT"; "NO TRESPASSING"; or similar signs which are displayed. Property that is fenced or not fenced must have such signs placed conspicuously and at all places where entry to the property is normally expected.~~

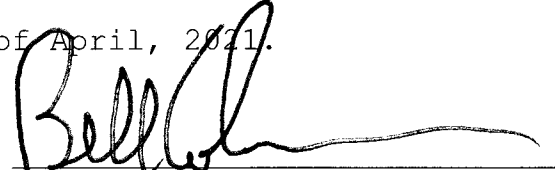
~~E. Notwithstanding the provisions of this section, the Governor's Mansion and its grounds and appurtenances shall not be required to be posted with signs warning against trespass. F. Any person who shall willfully or maliciously enter the grounds of the Governor's Mansion within the State Capitol Park, as defined in Section 1811.4 of Title 74 of the Oklahoma Statutes, except at a place where entry to the property is normally expected, shall be deemed guilty of a misdemeanor and upon conviction shall be fined in a sum punished by a fine of not more than Five Hundred Dollars (\$500.00), or by confinement imprisonment in the county jail for not less than thirty (30) days nor more than six (6) months, or by both such fine and imprisonment.~~

SECTION 2. This act shall become effective November 1, 2021.

Passed the House of Representatives the 4th day of May, 2021.


Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of April, 2021.


Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

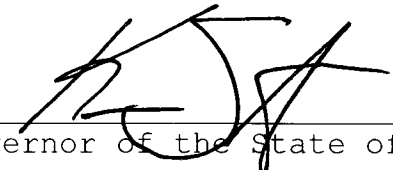
Received by the Office of the Governor this 5th

day of May, 20 21, at 3:00 o'clock pm. M.

By: Samuel Curry

Approved by the Governor of the State of Oklahoma this 10th

day of May, 20 21, at 1:22 o'clock pm. M.


Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this 10th

day of May, 20 21, at 4:05 o'clock P. M.

By: Brian Benjamin